

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
1037US

In Re Application Of: McNALLY, Alan J., et al.

Serial No.  
09/733,565

Filing Date  
December 8, 2000

Examiner  
To Be Assigned

Group Art Unit  
1645

Invention: IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED PRIMER

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
February 8, 2001.  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

**Return postcard.**

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☒ Completion of application fees as calculated below:

☐ Utility application filing fee

☐ Design application filing fee

☐ Total number of independent claims =

☐ Total number of claims =

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the invention

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees **\$0.00**

Total fees due **\$130.00**

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Filing Date Granted (PTO-1533) (Large Entity)

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of \$130 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-2958.  
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 02-2958.  
A duplicate copy of this sheet is enclosed.

  
Signature

Marilyn L. Amick, Reg. No. 30,444  
Roche Diagnostics Corporation  
9115 Hague Road, Bldg. D  
P.O. Box 50457  
Indianapolis, IN 46250-0457  
Telephone No.: (317) 521-7561  
Facsimile No.: (317) 521-2883

Dated: April 6, 2001

I certify that this document and fee is being deposited  
on April 6, 2001 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



Signature of Person Mailing Correspondence

Rose Edwards

Typed or Printed Name of Person Mailing Correspondence

CC:

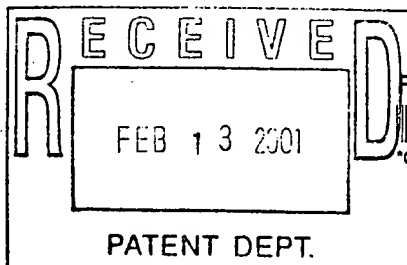


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

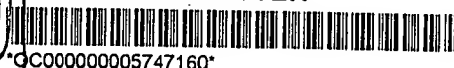
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/733,565	12/08/2000	Alan J. McNally	1037US

Roche Diagnostics Corporation  
9115 Hague Road, Bldg. D  
P.O. Box 50457  
Indianapolis, IN 46250-0457



CONFIRMATION NO. 3261

FORMALITIES LETTER



\*000000005747160\*

Date Mailed: 02/08/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Docket No.  
1037US

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED PRIMER**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on December 8, 2000 as United States Application No. or PCT International Application Number 09/733,565 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Marilyn L. Amick, Reg. No. 30,444

D. Michael Young, Reg. No. 33,819

Brent A. Harris, Reg. No. 39,215

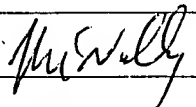
Richard T. Knauer, Reg. No. 35,575

Kenneth J. Waite, Reg. No. 45,189

Jill Lynn Woodburn, Reg. No. 39,874

Send Correspondence to: **Marilyn L. Amick**  
**Roche Diagnostics Corporation**  
**9115 Hague Road, Bldg. D, P.O. Box 50457**  
**Indianapolis, IN 46250-0457**

Direct Telephone Calls to: *(name and telephone number)*  
**Marilyn L. Amick, Telephone No. (317) 521-7561**

Full name of sole or first inventor <b>McNALLY, Alan J.</b>	
✓ Sole or first inventor's signature 	Date <b>3/22/01</b>
Residence <b>2767 Maralice Drive, Carmel, Indiana 46033</b>	
Citizenship <b>United States of America</b>	
Post Office Address (same as residence)	

Full name of second inventor, if any <b>WU, Robert S.</b>	
Second inventor's signature	Date
Residence <b>25 Ralph Road, West Orange, New Jersey 07052</b>	
Citizenship <b>United States of America</b>	
Post Office Address (same as residence)	

Full name of third inventor, if any <b>Li, Zhuyin</b>	
Third inventor's signature	Date
Residence <b>12 Hastings Lane, Flemington, New Jersey 08822</b>	
Citizenship <b>United States of America</b>	
Post Office Address (same as residence)	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



Docket No.  
1037US

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## English Language Declaration

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My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED PRIMER**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on December 8, 2000 as United States Application No. or PCT International Application Number 09/733,565 and was amended on \_\_\_\_\_ (if applicable)

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Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

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\_\_\_\_\_  
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(Status)  
(patented, pending, abandoned)

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(Status)  
(patented, pending, abandoned)

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**Indianapolis, IN 46250-0457**

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**Marilyn L. Amick, Telephone No. (317) 521-7561**

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Sole or first inventor's signature	Date
Residence <b>2767 Maralice Drive, Carmel, Indiana 46033</b>	
Citizenship <b>United States of America</b>	
Post Office Address <b>(same as residence)</b>	

Full name of second inventor, if any <b>WU, Robert S.</b>	
Second inventor's signature <i>Robert S. Wu</i>	Date <i>March 2, 2001</i>
Residence <b>25 Ralph Road, West Orange, New Jersey 07052</b>	
Citizenship <b>United States of America</b>	
Post Office Address <b>(same as residence)</b>	

Full name of third inventor, if any <b>LI. Zhuyin</b>	
Third inventor's signature	Date
Residence <b>12 Hastings Lane, Flemington, New Jersey 08822</b>	
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Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
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Sixth inventor's signature	Date
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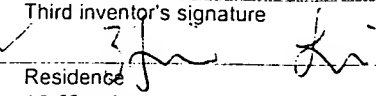
Jill Lynn Woodburn, Reg. No. 39,874

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**Roche Diagnostics Corporation**  
**9115 Hague Road, Bldg. D, P.O. Box 50457**  
**Indianapolis, IN 46250-0457**

Direct Telephone Calls to: *(name and telephone number)*  
**Marilyn L. Amick, Telephone No. (317) 521-7561**

Full name of sole or first inventor <b>McNALLY, Alan J.</b>	
Sole or first inventor's signature	Date
Residence <b>2767 Maralice Drive, Carmel, Indiana 46033</b>	
Citizenship <b>United States of America</b>	
Post Office Address <b>(same as residence)</b>	

Full name of second inventor, if any <b>WU, Robert S.</b>	
Second inventor's signature	Date
Residence <b>25 Ralph Road, West Orange, New Jersey 07052</b>	
Citizenship <b>United States of America</b>	
Post Office Address <b>(same as residence)</b>	

Full name of third inventor, if any LI. Zhuyin	
Third inventor's signature 	Date 3/1/01
Residence 12 Hastings Lane, Flemington, New Jersey 08822	
Citizenship United States of America	
Post Office Address (same as residence)	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



**R RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**E BOX MISSING PARTS**

li Inventors: McNALLY, Alan J., et al.  
Serial No.: 09/733,565  
F Filed: December 8, 2000  
E Entitled: Immunoassay Based On DNA Replication Using Labeled Primer  
C Our Ref.: 1037US

E Enclosures: Response to Notice to File Missing Parts of Application (3pp) in duplicate, copy  
C of Notice to File Missing Parts of Nonprovisional Application (1pp), three (3) executed  
C Declarations and Powers of Attorney for Patent Application (4pp each), and return postcard

N Mailed via First Class Mail on April 6/2001

N MA:re

